

SEPA NATIONAL DRINKING WATER ADVISORY COUNCIL

MEETING MINUTES

December 1995

U.S. Environmental Protection Agency National Drinking Water Advisory Council Conference Call December 11 and 12, 1995

Monday, December 11, 1995

The U.S. Environmental Protection Agency sponsored a conference call meeting of the National Drinking Water Advisory Council (NDWAC) at the United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. The following members were present:

Carmen Leal, Chair Maurice L. Arel Jorge Carrasco Thomas Crawford Nina McClelland L.D. McMullen Erik Olson Susan Seacrest Melissa Stanford William VanDeValk

Those absent were:

Marco Aieta Becky Cain Emma Gresham Rhonda Swaney

Also present during all or part of the meeting were:

Charlene Shaw, Designated Federal Officerl
Terry Rolan, American Water Works Association
Peter Cook, Deputy Director, OGWDW, EPA
Luis Hernandez, Barrera Associates
Dan Smith, Association of California Water Agencies
Dan Pederson
Stu Megaw
Jan Auerbach, EPA
Pat Ware, BNA, Environment Reporter
Art Dugan
Elizabeth Corr, EPA
Jennifer Orme Zavaleta, EPA

George Hoessel, EPA
Vanessa Leiby, Association of State Drinking Water Administrators
Bob Blanco, Director, Drinking Water Implementation Division, EPA
John Reeder, EPA
Cynthia Dougherty, Director, Office of Ground Water and Drinking Water
Barbara Elkus, Acting Director, Ground Water Protection Division. EPA
Jeff Morin
William Diamond, Director, Drinking Water Standards Division, EPA
Margaret Stasikowski, Office of Science and Technology, EPA

I. Opening Remarks and Welcome

Chair Carmen Leal called the meeting to order at approximately 2:15 p.m. and welcomed all present to the NDWAC meeting. Ms. Leal stated that this meeting would be devoted to discussions and recommendations relative to the EPA Drinking Water Program Redirection Proposal. For future reference, the four primary objectives of the Proposal are: (1) sound science, (2) risk-based standard setting and implementation, (3) strong, flexible partnerships with states and local governments, and (4) community-based source water protection. Ms. Leal began the discussions with the Public Participation section of the meeting.

II. Public Participation

Dan Smith, Manager of Regulatory Affairs for the Association of California Water Agencies, began the discussion with some general concepts formed by the Association regarding the redesign of EPA for more effective regulation of the Nation's Drinking Water Program. These concepts included:

- The primary objective of the Drinking Water Protection Program should be the use of sound science and adequate data to insure that drinking water standards are meaningful, affordable, and provide public confidence in a safe, reliable, and affordable drinking water supply.
- The Association commends EPA for its trend away from a "command and control" approach to regulation, and hopes EPA will further formalize its cooperative approach among federal, state, and local agencies, as well as the water supply community and other interested parties.
- The Association encourages EPA to pursue a clearer division of responsibilities between the Agency and the primacy states.

Mr. Smith closed by stating that the Association will flesh out these concepts further and present them to the Council by the January 17th deadline for comments.

Terry Rolan, the Regulatory Committee Chair for the Water Utility Council of the American Water Works Association (AWWA) was next on the agenda. Mr. Rolan's comments on the redirection proposal were as follows:

- A detailed implementation plan should be developed to identify the highest priorities within the four primary objectives, how the objectives will be reached, and what resources are needed.
- AWWA recommends additional stakeholder meetings and discussions on elimination of existing non-critical programs within the Office of Ground Water and Drinking Water (OGWDW).
- AWWA believes EPA should increase resources for the Safe Drinking Water Information System (SDWIS), for example, to provide a mandate for a current database on unregulated parameters under consideration for regulation.
- AWWA recommends increasing resources for the streamlining of the laboratory analytical methods approval process.
- AWWA agrees with the inclusion of the Groundwater Protection Rule in the total
 microbial contaminants disinfection by-products package, but would like more
 information on the allocation of resources for the package, especially in reference to a
 reliable method for *Cryptosporidium*.

Mr. Rolan said the AWWA will also provide more detailed comments before the close of the comment period.

The next speaker was Ms. Vanessa Leiby, Executive Director of the Association of State Drinking Water Administrators. Ms. Leiby stated that, in general, the Association applauds EPA's efforts in involving stakeholders in the redirection initiative, and agrees with the four primary objectives, however, the Association has some concerns, including:

- Not all activities of the OGWDW were included in the stakeholder meetings for comment, and the stakeholders had no opportunity to rank priorities across all activities, only selected activities.
- The report should more specifically identify available resources for indicated activities
 and show how those resources will be shifted, as it appears that most of the resources will
 be directed to two areas (sound science and adequate data, and risk-based priorities for
 standard setting).

Ms. Leiby further stated her concern that, with the devolution of responsibility for implementation from the federal government to state and local governments, EPA should increase its efforts and resources in the areas of technical assistance and state involvement in regulatory and policy-making activities. She noted, however, that EPA tends to reduce direct support to states in some areas.

III. <u>Legislative Update</u>

John Reeder began the legislative update with a brief overview on the status of reauthorization of the Safe Drinking Water Act. The Senate passed S1316 on November 29 by a vote of 99 to 0. The Boxer Amendment, requiring large public water systems to provide annual reports to their consumers, was defeated by a vote of 59 to 40. The bill passed with only minor changes, including:

- narrowing of the scientific practices provision to exclude decisions that are not scientifically related,
- a small change in EPA's authority to collect monitoring information when the requirement affects a substantial number of systems,
- provision of funding for the Colonias in border states,
- the opportunity for states to obtain extensions in adopting primacy rules,
- a New York City watershed amendment, and
- an amendment to conduct research on sulfate before the Agency issues a regulation on sulfate.

Mr. Reeder said the bill also provides \$1 billion in SRF funding for 1995 through the year 2003, and raises the level of authorization of state primacy funding up to \$100 million for the years 1994 through 2003. Now the bill is awaiting action by the House. An open "question and answer" discussion followed on the bill's possible fate in the House, and the status of the Clear Water Act in the Senate.

IV. Council Discussion with EPA Staff

Mr. Jorge Carrasco then brought up the subject of timetables for the four key redirection objectives. He wished to know what would be the Rules' status in the intervening period while the objectives are being completed? Ms. Jan Auerbach stated that, for the most part, current Rules would remain in effect until the proposed rules were promulgated, e.g the Surface Water Treatment Rule would remain in effect until the proposed Enhanced Surface Water Treatment Rule is promulgated.

Dr. L.D. McMullen questioned what would happen to the redirection effort in light of budget cuts that may occur. Mr. Peter Cook outlined some ideas for reallocation of resources in order to focus better on the redirection effort. Mr. Cook also stated that the possible budget cut could be less than 15 percent from the 1995 budget. Ms. Elizabeth Corr of OGWDW added that the Source Water Protection Program (including Well-Head Protection, the USC Program, Comprehensive State Ground Water Protection Program, and Surface Water Source Protection) faces cuts of approximate one-third to its present budget, although, as some programs are larger than others to begin with, the cut will not necessarily be evenly distributed.

The topic for the remainder of the day was a discussion of the redirection report. Mr. Thomas Crawford stated that, although the four objectives stated in the redirection document are intended to be co-equal, there is really a hierarchical ranking of the objectives, and that should be made clear in the report. Ms. Susan Seacrest stated that she agreed with these comments, and suggested that additional explanation of the resource allocation situation be included in the document. Mr. Jorge Carrasco added that he would like to see some clarification in the document on how the move toward greater reliance on regional EPA offices, and state and local agencies could be accomplished, and that this move could potentially provide additional resources for the redirection effort.

Mr. William VanDeValk made a general comment on the report, stating that the public generally does not understand what it takes to make safe drinking water available for consumption, and due to this lack of understanding, is unwilling to pay a reasonable cost for drinking water. Mr. VanDeValk suggested that the general media (e.g., television, magazines) should be used to educate the public on drinking water issues.

Ms. Charlene Shaw and Ms. Susan Seacrest then asked that the Council focus the rest of the day's discussion on reviewing several questions posed in the report, mainly:

- "Do the primary objectives of sound science, risk-based standard setting and implementation, partnerships, and source water protection as described in Section 3 provide an appropriate basis for redirecting the Drinking Water Program?" The members generally agreed that the primary objectives were appropriate.
- "Has the Agency made the right choices for utilizing the Office of Water resources and do these choices provide and appropriate balance among the four redirection alternatives?" The members generally agreed with the broad scope of this question, but they wished to review the resource allocation matter in greater detail.
- "Are there other ways that the Office of Water resources could be utilized more effectively and efficiently to support the four objectives?" The members put forth some suggestions, including:
 - More stakeholder involvement in the issues,
 - More outreach and technical support on the part of EPA,
 - EPA Headquarters and Regional offices should focus on programmatic activities, policy activities, development of a regulatory framework, and that enforcement compliance be left to the States, and
 - Use of more inter-governmental funding agreements to implement programs.
- "How can the expertise and capabilities of the other EPA offices, the regions and state
 water suppliers and other stakeholders be brought to bear and address un-met national
 needs?" This topic was tabled so the meeting could be adjourned for the day.

The meeting was adjourned at 3:59 p.m.

Tuesday, December 12, 1995

The meeting was convened at 12:06 p.m. The following members were present:

Carmen Leal, Chair

Maurice L. Arel

Jorge Carrasco

Thomas Crawford

Nina McClelland

L.D. McMullen

Erik Olson

Susan Seacrest

Melissa Stanford

William VanDeValk

Those absent were:

Marco Aieta

Becky Cain

Emma Gresham

Rhonda Swaney

Also present during all or part of the meeting were:

Charlene Shaw, Designated Federal Officerl

Peter Cook, Deputy Director, OGWDW, EPA

Luis Hernandez, Barrera Associates

Stu Megaw

Pat Ware, BNA, Environment Reporter

Elizabeth Corr, EPA

George Hoessel, EPA

Vanessa Leiby, Association of State Drinking Water Administrators

Bob Blanco, Director, Drinking Water Implementation Division, EPA

Cynthia Dougherty, Director, Office of Ground Water and Drinking Water

Barbara Elkus, Acting Director, Ground Water Protection Division, EPA

Jeff Morin

William Diamond, Director, Drinking Water Standards Division, EPA

Margaret Stasikowski, Office of Science and Technology, EPA

I. <u>Discussion on the Implementation Stage of the Proposal</u>

The day's discussion began with Chair Carmen Leal stating the Council's desire to have input into the implementation stage of the redirection proposal. Mr. Jorge Carrasco was assigned to prepare a motion on this subject, for a Council vote later in the meeting.

II. <u>Discussion on Source Water Protection</u>

Dr. L.D. McMullen began the discussion by stating that his biggest concern about the entire Proposal was EPA's disinvestment of its focus on source water protection for surface water. Ms. Cynthia Dougherty replied by stating that in terms of funding constraints, OGWDW decided its main priority was to be the science and standards study activities. The Council further discussed various wording for a motion that would better explain and define federal, state, or local responsibilities toward source water protection, including the issue of watershed protection, and how it relates to source water protection. Mr. Jorge Carrasco was assigned to draft a motion for the Council to vote on later in the meeting.

III. <u>Discussion on Streamlining Analytical Methods</u>

The Council agreed that they would support the Office of Water's proposal to disinvest in the streamlining of analytical methods due to resource constraints, and rely on the private sector and other organizations to continue these efforts.

IV. <u>Discussion on Public Education/Consumer Awareness</u>

Mr. William VanDeValk opened discussion on the proposed text of a motion stating "that U.S. EPA's Redirection Initiative include some national media education effort (such as a Presidential address) to cover basic issues surrounding drinking water and related costs in an attempt to gain popular support for EPA's redirection initiative and possibly restore funding to adequate levels." After Council discussion, it was agreed that Mr. VanDeValk would further develop the wording of the text, and vote would be taken on the motion later in the meeting.

V. <u>Discussion of Importance of the Science and Risk Priorities</u>

Chair Leal opened the discussion by stating that, of the four objectives of the Proposal, the sound science and risk-based standards priorities have been given more emphasis than the other priorities. Mr. Eric Olson stated that he believed SDWIS is a very important component of the discussion and should receive full funding under the proposal. Ms. Cynthia Dougherty then explained that the SDWIS budget is still protected at the level the Agency originally committed to over time, although the Agency has recently been funding the program at a higher level.

VI. <u>Discussion on Endorsing Drinking Water Protection Redirection Objective</u>

After a brief discussion on wording of the motion, Mr. Jorge Carrasco made a motion stating that the Council agrees with the four objectives that are part of the Redirection Initiative and would recommend consideration of the preferred alternative that was presented by the Agency. The motion was seconded by Mr. Arel, and then was opened for discussion.

Mr. Erik Olson proposed that two amendments to the motion be included under the third Redirection objective which is "strong, flexible partnerships with States and local governments in implementation." The two amendments were:

- revise the above statement to read "with States, local governments, and the public in implementation", and
- that EPA reintroduce its original items from its March 1995 White Paper to include, as a redirection objective, the goal of giving Americans more information about our drinking water.

Mr. VanDeValk seconded the motion, and the motion carried unanimously.

VII. Motion on the Question of Resource Allocation Among the Four Redirection Objectives

Mr. Carrasco opened with a motion on the resource allocation among the four redirection objectives, which included three points:

- That the Council stress that it sees the redirection effort as a concept, and not an implementation plan;
- That prior to implementation, the Council receive the Agency's draft of its approach to the redirection effort; and
- That, although the redirection report presents the four objectives as co-equal, resource limits place emphasis in the science and risk-based priorities. The Council agrees with this approach given the resource limits, however, especially on source water protection, and that includes ground and surface water, we are concerned about disinvestment. The Council encourages (1) clear federal, state, and local roles, (2) to look at other EPA programs and to the regions, states, and localities for support, especially on transboundary and regional issues, and (3) if an SRF program is approved, that source water protection be an eligible use of those funds.

Mr. VanDeValk seconded the motion, and the motion was passed unanimously with no further discussion.

VIII. Motion on EPA Redirection Initiative/Educational Effort

Mr. VanDeValk then moved that "U.S. EPA's redirection initiative include some national media and other public educational efforts (such as a Presidential address) to cover basic issues surrounding drinking water and related costs in an attempt to gain popular support for U.S. EPA's redirection

initiative and possibly restore funding to adequate levels. This educational campaign would be conducted in partnership with other water related organizations." After a brief discussion, Mr. VanDeValk moved to vote, Ms. Seacrest seconded, and the motion passed.

As the Council was running short of time, it deferred the discussion on the question "How can other EPA offices in the regions, the states, water suppliers, and other stakeholders help to advance the four objectives?" Chair Leal asked that the Members send in their individual comments on this question. Ms. Dougherty added that the next Council meeting was scheduled for the 13th to the 17th of May.

The meeting was adjourned at 1:30 pm.

Attachment: Attached to these minutes are the comments and recommendations made by the Council and forwarded to the Redirection Comment Clerk, U.S. EPA for the record.

I certify that, to the best of my knowedge, the foregoing minutes are complete and accurate.

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| Carmen A. Leal, Chair, National |
| Drinking Water Advisory Council |
| Date: 3/25/96 |
| Mailine Straw |
| Charlene E. Shaw, Designated |
| Federal Officer, National Drinking |
| Water Advisory Council |